

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07cv98**

**ASCENSION ESCAMILLA-GERONIMO,)
individually and on behalf of a class of all)
others similarly situated,)**

Plaintiffs,)

Vs.)

ORDER

**HILLSIDE NURSERY WHOLESALE)
COMPANY, LLC; HILLSIDE NURSERY,)
LLC; KENNETH T. ALLISON; and)
WILLIAM B. ALLISON,)**

Defendants.)

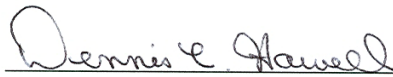
THIS MATTER is before the court on “Plaintiff’s Response in Opposition to Defendant Willie T. Allison’s Motion to Dismiss” (#27). Plaintiff is advised that defendants’ Motion to Dismiss is contained in its Answer and is not supported by a memorandum of law. As such, the “motion” is not considered to be a pleading as to which a response is required and is merely a placeholder unless and until it is supported with a memorandum of law or argued in conjunction with a summary judgment motion.

Respective counsel are, however, advised that the clock is now ticking on the parties conducting an IAC and CIAC, with the IAC due to be conducted by May 30, 2007, and the CIAC filed within 5 days of the IAC.

ORDER

IT IS, THEREFORE, ORDERED that “Plaintiff’s Response in Opposition to Defendant Willie T. Allison’s Motion to Dismiss” (#27) is **STRICKEN** without prejudice as to reassertion if defendants’ Motion to Dismiss ripens.

Signed: May 31, 2007



Dennis L. Howell
United States Magistrate Judge

